

Disabled parking issues for TLRC 10-07-2013

We are proposing a bill to reorganize and clarify the disabled parking statutes in Colorado. I want to thank Representative Primavera for authorizing drafting to start working on a bill, and the chair and staff for keeping the issue on your radar.

The current statute has had significant amendments at least 4 times in my, as much as I hate to admit, 28 years volunteering here. *I have a strange hobby.* As a result it is poorly organized and difficult to follow and fit the various pieces together.

The changes we have made are intended to address abuses with the program. The most current major revisions were in 2010, HB 1019, after it was discovered there were approximately 11 blue hang tags (this does not include hard plates, handicapped DV plates or red hang tags) for every eligible person. According to the 2010 US Census there are 186,000 Coloradoans who self identified as having a mobility impairment, and each is eligible for 2 hang tags, 2 hard plates, or one of each. DMV indicated they were issuing approximately 400,000 blue (3 year) hang tags per year. Ironically, that number has increased by about 10% since the reforms.

Some of the more significant changes were to increase penalties for illegally parking in a disabled space, parking in a wheelchair loading area or route of access, lying to get a tag, misusing a tag or using someone else's, instituting penalties for medical professionals who sign applications they should not be, as well as other abuses that were identified. We also created provisions for education and enforcement programs, to be funded by a portion of the fines, the first time in CO history we have earmarked a portion of the fines for wronging PWDs to benefit them.

A 1/2013 study found the average wait time for a disabled space was 17 minutes, but ironically 25% of the respondents indicated they did not wait, they just parked somewhere else. 83% of the time LE was called for an illegally parked vehicle no citation was issued.

The barriers to implementation have been; the poor organization of the statutes themselves, they jump around a lot and fitting all the pieces together just about requires a law degree. Some parts the language is not very clear, probably my fault, e.g. statute says a parent may get a tag for a child, but it is not clear that each parent can obtain one, so while DMV has now addressed this by rule, for some time only 1 parent could get and use a tag.

There has also been a severe lack of adequate funding for implementation, resulting in severely limiting education programs, and development of enforcement tools, such as computer programming to allow LE online access to disabled parking registrations for hang tags, an investigation and hearing process for allegations of improperly obtained/authorized tags or misused ones, etc.

The Council for People with Disabilities, the statutory entity that is to advise the GA and Governor on disability issues, and whom will be hearing from their chair shortly, is vested with working on implementation, development and providing education programs for users, medical providers, LE and local government, and again, they have been plagued by lack of funding.

A recent problem that I just learned of is there seem to be a population of seniors who are unable to meet the ID verification requirements and cannot obtain a state issued ID or DL, and we require a State for federal ID to get a tag. We will be working with the folks who have been dealing with this issue to develop a solution, but based on some preliminary discussions and better solution may be to do something similar to the process developed to allow non-legal residents to obtain a DL so they can get some kind of photo ID we can link the tag to, as well as for other uses, and maybe a member would like to participate in that issue.

Another problem we have discovered is our statute does not conform to the federal regulations on disabled parking, which only allows a medical doctor to authorize an application, and we have a longer list, such as PAs, NPs, chiropractors, etc. The federal regulation has not been updated since the 1980's, before the ADA existed. I have been in touch with the federal regulators responsible for these regs and at my request they have commenced a review (although not last week ☺) and hope to be working with them to bring the regs into the 21st century, so I recommend we make no changes to the state standards at this time. The impact of it would be that if another state decided they did not want to honor our tags because we did not meet the federal standards established under their authority under the "fair faith and credit clause" in Article IV of the constitution, but that is unlikely. In my experience, most state authorities do not even know there are federal regulations on this.

Thanks you for your time and am happy to address any questions you may have.